

IN THE UNITED STATES COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Anthony Montenegro
Plaintiff

v.

Civil Action No. 4:18-cv-2859

Onsite Towing, LLC,
Alt-Source, LLC III and
Alt-Source XI, LLC
Defendants

ALT-SOURCE DEFENDANTS'
ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT

Alt-Source, LLC III and Alt-Source XI, LLC (together, "Alt-Source") file this answer to Plaintiff's First Amended Complaint:

I.
SPECIFIC DENIALS

Paragraph Numbers Follow the Numbers in the First Amended Complaint

1. Admitted.
2. Alt-Source lacks sufficient knowledge to form a belief about this allegation.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Denied.
8. Denied.
9. Denied.
10. Denied.
11. Denied.

- 12. Denied.
- 13. Denied.
- 14. Admitted.
- 15. Denied.
- 16. Denied.
- 17. Denied.
- 18. Denied,
- 19. This paragraph requires no denial.

II.
AFFIRMATIVE DEFENSES

- 20. Plaintiff's claims are subject to arbitration.
- 21. Plaintiff cannot meet his burden to prove that Alt-Source qualified as his "employer" under the Fair Labor Standards Act ("FLSA").
- 22. Plaintiff qualifies for the Motor Carrier Act exemption from overtime pay under the FLSA.
- 23. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations contained in the FLSA.
- 24. Alt-Source's pay practices concerning Plaintiff were adopted and executed in good faith and with reasonable grounds to believe the practices complied with the FLSA.
- 25. If Alt-Source violated the FLSA (which is denied), Plaintiff cannot establish that the violation was willful.

III.
PRAYER

- 26. Alt-Source prays that Plaintiff take nothing, but that Alt-Source be awarded:

- a. Court costs; and
- b. All other legal and equitable relief to which Alt-Source is entitled.

Respectfully submitted,

/Alan M. Bush/

Alan M. Bush

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ATTORNEYS FOR DEFENDANTS

ALT-SOURCE, LLC III AND

ALT-SOURCE XI, LLC

CERTIFICATE OF SERVICE

I have served this document on the parties' record counsel via the PACER ECF system on
October 18, 2018.

/Alan M. Bush/

Alan M. Bush